

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
WACO DIVISION

<p><b>CONFIRMETRICS, LLC</b> Plaintiff</p> <p>v.</p> <p><b>SEON TECHNOLOGIES, LTD,</b> Defendant</p>	<p><b>Case No. 6:21-cv-00884</b></p> <p><b>JURY TRIAL DEMANDED</b></p>
--	--

**COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff Confirmetrics, LLC (“Plaintiff” or “Confirmetrics”) files this Complaint against Defendant Seon Technologies, Ltd. (“Seon” or “Defendant”) for infringement of three United States patents owned by Confirmetrics: U.S. Patent Nos. 8,838,967, 9,603,016, and 9,801,048.

**THE PARTIES**

1. Plaintiff and patent owner Confirmetrics is a Texas limited liability company with its headquarters and principal place of business in Plano, Texas.
2. On information and belief, Defendant Seon is a corporation organized under the laws of Hungary, with its international headquarters at Budapest, Rákóczi út 42, 1072 Hungary, and domestic headquarters at 106 East Sixth Street, Suite 900-109, Austin, Texas 78701.

## **JURISDICTION AND VENUE**

3. This is a patent suit brought under the United States Patent Act, namely 35 U.S.C. §§ 271, 281, and 284-285, among other laws. This Court has subject-matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

4. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1400(b). Seon markets, sells, offers to sell, and delivers accused products in this District, directs and instructs customers and end users how to use the accused products in this District, and has committed acts of infringement in this District.

5. Seon maintains an established place of business at its location in Austin, Texas.

## **SEON'S PRODUCTS**

6. Seon makes, imports, sells, offers to sell, distributes, licenses, markets, and/or uses Seon software, software platform, SDK, and the systems/methods employed by those applications (“The Accused Products”).

7. According to Seon, its software provides a method for device fingerprinting or identification.

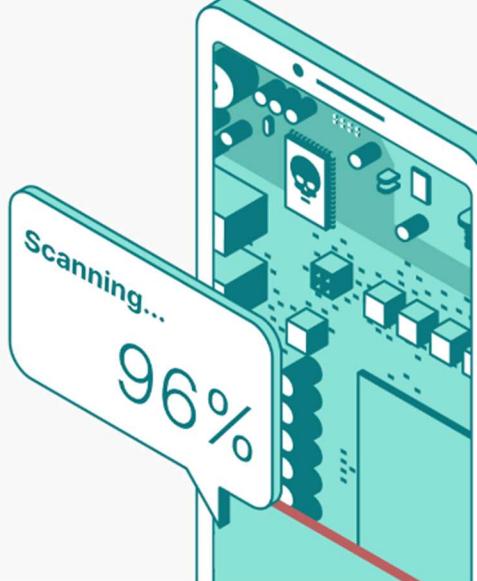
8. Seon publishes information about its products and services on its website (<https://seon.io>).

9. Seon publishes on its website the following information about the Accused Products (see, e.g., <https://seon.io/integration/>)

- **Device Fingerprinting**
- 
- 
- 
- 

Add our lightweight SDK to iOS, Android and web apps for the most sophisticated browser and device identification solution.

Gather thousands of data points to flag VMs, emulators, or VPNs – even across incognito browsing.



## Device Fingerprinting

Our tool collects thorough insight about the devices associated to a user. Account takeovers and multiple account usage can easily be avoided by applying this module.



### Use our SDKs for your apps

Our SDKs enable a seamless integration with your mobile applications for iOS and Android platforms.

[iOS](#)

[Android](#)

10. In normal operation as intended by Seon, Seon Accused Products (including software provided in Seon's SDK and embedded in an iOS or Android device) collects configuration settings of the mobile device.

## **Android SDK**

You can integrate our device fingerprinting module directly into Android mobile apps, by using [our SDK found on GitHub](#). It will collect information based on the user's software and hardware configuration.

## **iOS SDK**

You can integrate our device fingerprinting module directly into iOS mobile apps, by using [our SDK found on GitHub](#). It will collect information based on the user's software and hardware configuration.

11. Seon publishes the following information about "collectable parameters" accessed by Seon Accused Products:

## Some Of The Collectable Parameters:

### With the iOS SDK:

- Unique device hash / identifier
- Accessories information
- Audio information
- Screen brightness
- Screen resolution
- System uptime
- Storage information
- MAC address
- Wifi SSID

<b>accessories_count</b>	integer
Number of accessories attached to the iOS device.	
<b>audio_mute_status</b>	boolean
It indicates if the phone is muted or not.	
<b>audio_volume_current</b>	integer
Current level of device system's volume on a 0 to 100 scale.	
<b>free_storage</b>	string
Free storage of the device's file system in bytes.	
<b>screen_brightness</b>	string
Current level of device's screen brightness on a 0 to 100 scale.	

12. Seon has published information about the Seon Accused Products on its website at <https://docs.seon.io/api-reference#ios-sdk>.

13. Seon has published information about the Seon Accused Products on its website at <https://seon.io/resources/device-fingerprinting/>.

14. According to Seon, the Seon Accused Products generate a risk score based

on rules that are applied to device configuration data.

15. The following information published by Seon accurately describes Seon fraud detection platform:

## Steps for Sense

At its core, our fraud prevention platform operates in three simple steps.

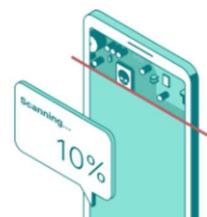
1. You send user / transaction / device data
2. We enrich the data and deliver a risk score based on rules
3. You give feedback on the results

16. In normal operation, the Seon Accused Products summarize, simplify, and/or encode data, transmit the data from a user's mobile device to a secure server for secure storage.

17. The following information published by Seon accurately describes Seon's device fingerprinting capabilities:

## Device Fingerprinting

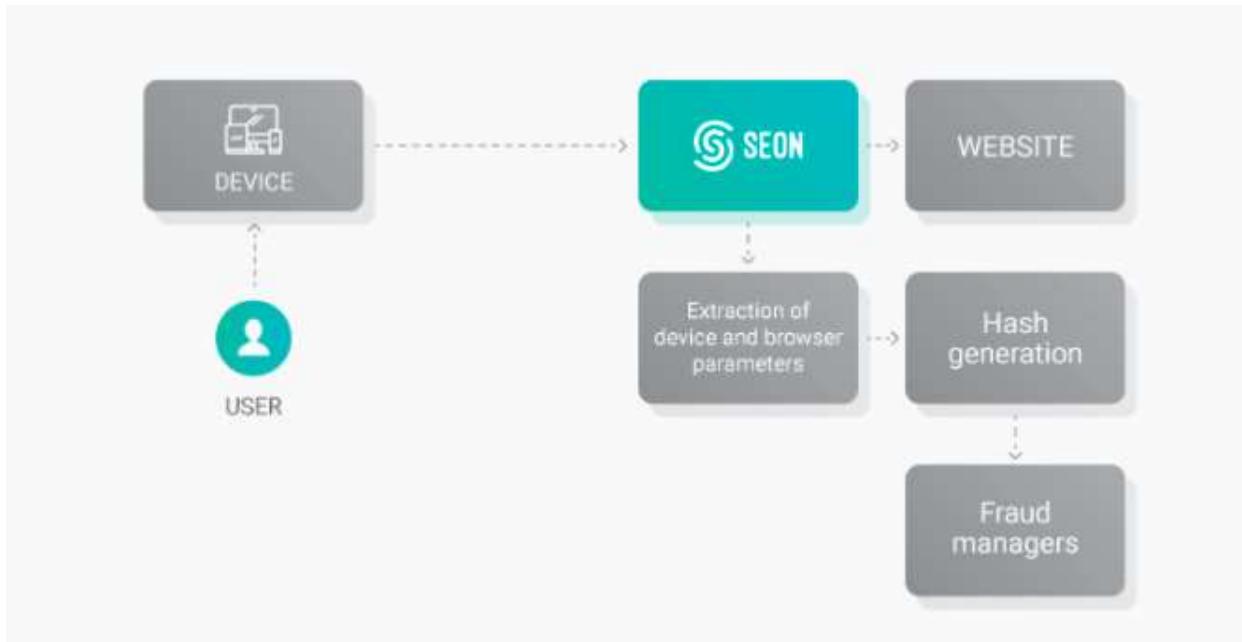
Decrease account takeovers and multiple account signups by tracking user devices. Create a unique ID based on thousands of device data points, and cross-reference them to understand how users behave online - even after they reinstall or update their browser. You can learn more [from our resources](#) to understand how device fingerprinting helps in fraud prevention.



## What is Device Fingerprinting?

When users access your platform, they must do so with two things: a device with a web browser or mobile application, and an Internet connection which retrieves an IP address. This means two data sources are always present, whether it's at signup, login, checkout, or even when browsing a page. With the right tools, we can extract a lot of useful information about these two.

18. The following information published by Seon at <https://docs.seon.io/api-reference#ios-sdk> describes a logical data architecture in which Seon Accused Products are deployed:



19. Seon uses machine learning to match attributes and identifications of devices to those in its database to determine similarity between devices based upon threshold values.

20. Seon published the following information about the functionality of its device fingerprinting products and services:

**Device fingerprinting:** by creating browser, device hashes or IDs, it's easy to see when multiple users obviously rely on the same device to log into your platform. While not necessarily indicative of frauds (family PCs), it's an important point to check.

21. Seon published the following information about the importance and value of its device fingerprinting products and services (see, e.g., <https://seon.io/resources/multi-accounting-is-on-the-rise-who-is-affected-and-how-to-stop-it/> and <https://seon.io/resources/3-key-tools-to-combat-synthetic-identity-fraud/> and <https://seon.io/resources/how-to-reduce-customer-acquisition-risk-in-affiliate-marketing/>):

## #1 Device Fingerprinting

If fraudsters are successful, they tend to target the same companies multiple times. The challenge for them isn't to create hundreds or thousands of synthetic IDs. It's to make it look like they are all connecting to your site as unique users.

This is why a device fingerprinting module is so effective. You can instantly flag user connections that point to:

- Proxy usage
- Tor connections
- VPN use
- Strange browser setups
- Suspicious hardware configuration
- Emulators
- Etc...

The key here is not just to focus your attention on strange configurations of software and hardware, but **also to highlight connections between users**.

By logging each device setup as a unique ID, you can notice patterns that could point to bot use, or repeat attacks from the same fraudulent organisations.

Specifically: device fingerprinting. This tool can scan users' software and hardware configuration, and log them as ID numbers (hashes). It works whether users clear their cache, change browsers, or browse in incognito mode. You will also get reliable results for users who hide behind emulators and spoofing tools.

This can help you in two ways:



**Spot hidden customer connections:** too many hashes point to the same user data, repeatedly? Have they appeared on the site before? You could be dealing with fake user info that's been found in multiple lists and databases, for example, used here [for the purpose of multi-accounting](#).

22. Seon published the following information about its scoring engine and

threshold analysis for authentication in its products and services (see, e.g., <https://docs.seon.io/getting-started/device-fingerprinting> and <https://docs.seon.io/getting-started/overview-and-steps-for-sense-platform>):

SEON's Scoring Engine can use any collected and generated data fields for the scoring algorithm. Custom rules can be created based on them, or they can be added to black/white lists. Machine learning and heuristic rule creation module is also taking into account these data fields.

By default, the fraud scores are based on preset rules, which can be reviewed in the [Scoring Engine](#). A score of 10+ is considered risky. Standard thresholds for each state are:

State	Threshold
APPROVE	0 - 10
REVIEW	10 - 20
DECLINE	20+

23. Seon published the following information about how the Accused Products provide valuable protection against device spoofing (see, e.g., <https://seon.io/resources/meeting-psd2-sca-requirements-with-seon/>):

**Our Device Fingerprint tool** collects insights about devices associated with a user. Account takeovers and device spoofing anomalies can easily be avoided, as it accurately identifies returning visitors based on their previously used device. Even if the user deletes their browser and reinstalls it, the system still identifies the matching data-points.

**COUNT I: INFRINGEMENT OF U.S. PATENT NO. 8,838,967**

24. Confirmetrics re-alleges all preceding allegations as if set forth here.
25. Confirmetrics is the owner by assignment of all substantial rights, including the right to enforce and collect past and future royalties for infringement, in and to U.S. Patent No. 8,838,967 (the “’967 Patent”) titled UNIQUELY IDENTIFYING A MOBILE ELECTRONIC DEVICE, which issued on September 16, 2014.
26. Exhibit A is a true and correct copy of the ’967 Patent.
27. The ’967 Patent is valid and enforceable.
28. The ’967 Patent Specification (and the ’016 and ’048 Patent Specifications) explains that extant authentication and security technologies “were not designed with mobile devices in mind.” ’016 Patent at col. 1:63-64. Traditional device fingerprinting methods and the attributes they collected and analyzed could not uniquely identify mobile devices. Even device identification techniques specific to mobile devices relied on information that was either inaccessible or easily forged. *See* ’016 Patent at col. 2:4-31.
29. Confirmetrics’ patents improve traditional device fingerprinting and identification technology by, for example, exploiting new types of information—unavailable outside of the mobile device ecosystem—that can be collected from mobile devices via installed applications or SDKs. Specifically, the inventors state that the “advantage of [their] invention is that it uses a mobile device’s configuration settings to

uniquely identify it... so each mobile device will be found to be very different from every other.” ’016 Patent at col. 3:8-13.

30. Additionally, the inventors recognized that, although a device’s configuration settings are unlikely to change dramatically between interactions with a particular third party, variation is still inevitable, and can be accounted for by measuring the similarity between the configuration settings of devices being compared. This “fuzzy” matching also improves device fingerprinting technology by increasing accuracy and reducing false-negatives due to inconsequential changes.

31. Defendant has infringed, and continues to infringement one or more claims, including Claims 1, 2-4, 7-9, 15, 16, and 19-21 of the ’967 Patent by making, using, importing, selling, and/or offering for sale the Seon Accused Products in the United States without authority.

32. Defendant has infringed and continues to infringe the ’967 Patent either directly or through the acts of inducement in violation of 35 U.S.C. § 271.

33. Defendant encourages others, including their customers and users of their infringing software to use the Accused Products in the United States without authority.

34. Defendant has been on notice of the ’967 Patent at least as early as July 2021 when it received a notice letter of infringement from Plaintiff.

35. Defendant received a follow-up letter in August 2021.

36. Seon never responded to the correspondence that Confirmetrics sent.

37. Claim 1 of the '967 Patent recites:

A method of identifying mobile electronic devices, comprising:

- a. collecting a first plurality of configuration settings of a first mobile electronic device,
- b. optionally Summarizing, simplifying, and/or encoding the data of part a,
- c. transmitting the result of part b to a third party,
- d. collecting a second plurality of configuration settings of a second mobile electronic device which may or not be the same as said first mobile electronic device,
- e. performing the same operation of part b on the data of part d,
- f. transmitting the result of part e to said third party,
- g. said third party calculating how similar the data received in part c is to the data received in part f, and
- h. if, in part g, said third party determines said data received in part c is more than a threshold similar to said data received in part f, then determining that said first mobile electronic device is likely the same as said second mobile electronic device.

38. As exemplified in the information referenced in the above paragraphs and the use of one or more of the Accused Products, Seon performs and provides software for performing a method of identifying electronic devices that includes

collecting data of a first plurality of configuration settings of a first mobile electronic device and optionally summarize, simplify, or encode the collected data and transmit the data to a Seon server for multiple mobile devices.

39. Seon servers determine the identification of the devices based on the received data to determine if a mobile device is similar to another mobile device.

40. Defendant's infringing activities are and have been without authority or license under the '967 Patent.

41. Plaintiff is entitled to recover from Defendant the damages sustained by Plaintiff as a result of Defendant's infringing acts, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court, pursuant to 35 U.S.C. § 284.

**COUNT II: INFRINGEMENT OF U.S. PATENT NO. 9,603,016**

42. Confirmetrics re-alleges all preceding allegations as set forth here.

43. Confirmetrics is the owner by assignment of all substantial rights, including the right to enforce and collect past and future royalties for infringement, in and to Plaintiff is the owner, by assignment, of U.S. Patent No. 9,603,016 (the "'016 Patent"), titled UNIQUELY IDENTIFYING A MOBILE ELECTRONIC DEVICE, which issued on March 21, 2017.

44. Exhibit B is a true and correct copy of the '016 Patent.

45. The '016 Patent is valid and enforceable.

46. Defendant has infringed, and continues to infringement one or more claims, including Claims 1-5, 8, 12, 13, and 20 of the '016 Patent by making, using, importing, selling, and/or offering for sale the Accused Products in the United States without authority.

47. Defendant has infringed and continues to infringe the '016 Patent either directly or through the acts of inducement in violation of 35 U.S.C. § 271.

48. Defendant encourages others, including their customers and users of their infringing software to use the Accused Products in the United States without authority.

49. Defendant has been on notice of the '016 Patent at least since July 2021 when it received notice of infringement from Confirmetrics.

50. Seon received a second notice in August 2021.

51. Seon did not respond to either of the notices of infringement sent by Confirmetrics, which then was forced to file this suit.

52. Claim 1 of the '016 Patent recites:

A device identification method, comprising:

receiving baseline configuration information indicative of a first plurality of

mobile device configuration settings of a first mobile device;

receiving subsequent configuration information indicative of a second

plurality of mobile device configuration settings of a second mobile

device; determining a similarity between the subsequent configuration information and the baseline configuration information; and responsive to detecting the similarity exceeding a threshold similarity, identifying the second mobile device as the first mobile device.

53. As exemplified in the information referenced in the above paragraphs and the use of one or more of the Accused Instrumentalities, the Accused Instrumentalities provide a method of identifying electronic devices. The method includes receiving for multiple mobile devices, baseline configuration information, which is indicative of a mobile device configuration settings and indicative of an electronic accessible property of the mobile device.

54. Seon servers determine the identification of the devices based on the received configuration information to determine if a mobile device is similar to another mobile device.

55. Defendant's infringing activities are and have been without authority or license under the '016 Patent.

56. Plaintiff is entitled to recover from Defendant the damages sustained by Plaintiff as a result of Defendant's infringing acts, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court, pursuant to 35 U.S.C. § 284.

**COUNT III: INFRINGEMENT OF U.S. PATENT NO. 9,801,048**

57. Plaintiff re-alleges the preceding allegations as if set forth here.
58. Confirmetrics is the owner by assignment of all substantial rights, including the right to enforce and collect past and future royalties for infringement, in and to Plaintiff is the owner, by assignment, of U.S. Patent No. 9,801,048 (the “’048 Patent”) titled UNIQUELY IDENTIFYING A MOBILE ELECTRONIC DEVICE, which issued on October 24, 2017.
59. Exhibit C is a true and correct copy of the ’048 Patent.
60. The ’048 Patent is valid and enforceable
61. Seon has infringed, and continues to infringement one or more claims, including Claims 1-3, 5, 8, 12, 13, and 20 of the ’048 Patent by making, using, importing, selling, and/or offering for sale the Accused Products in the United States without authority.
62. Defendant has infringed and continues to infringe the ’048 Patent either directly or through the acts of inducement in violation of 35 U.S.C. § 271.
63. Defendant encourages others, including their customers and users of their infringing software to use the Accused Products in the United States without authority.
64. Defendant has been on notice of the ’048 Patent since at least receiving notice of infringement from Confirmetrics in July 2021.

65. Confirmetrics sent a second letter to Seon in August 2021.

66. Seon never responded to Plaintiff's notice of infringement, so Confirmetrics filed this lawsuit.

67. Claim 1 of the '048 Patent recites:

A device identification method, comprising:

receiving baseline configuration information indicative of a first plurality of mobile device configuration settings of a first mobile device and further indicative of at least one electronically accessible property of the first mobile device;

receiving subsequent configuration information indicative of a second plurality of mobile device configuration settings of a second mobile device and further indicative of at least one electronically accessible property of the second mobile device;

determining a similarity between the subsequent configuration information and the subsequent electronically accessible property information of the second mobile device and the baseline configuration information and the baseline electronically accessible property information of the first mobile device; and

responsive to detecting the similarity exceeding a threshold similarity, identifying the second mobile device as the first mobile device.

68. As exemplified in the information referenced in the above paragraphs and the use of one or more of the Accused Instrumentalities, the Accused Instrumentalities provide a method of identifying electronic devices. The method includes receiving for multiple mobile devices, baseline configuration information, which is indicative of a mobile device configuration settings and indicative of an electronic accessible property of the mobile device.

69. Seon servers determine the identification of the devices based on the received configuration information to determine if a mobile device is similar to another mobile device.

70. Defendant's infringing activities are and have been without authority or license under the '048 Patent.

71. Plaintiff is entitled to recover from Defendant the damages sustained by Plaintiff as a result of Defendant's infringing acts, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court, pursuant to 35 U.S.C. § 284.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff respectfully requests the Court enter judgment against Defendant:

1. declaring that the Defendant has infringed the '967, '016, and '048 Patents;

2. awarding Plaintiff its damages suffered as a result of Defendant's infringement of the '967, '016, and '048 Patents;
3. awarding Plaintiff its costs, attorneys' fees, expenses, and prejudgment and post-judgment interest; and
4. granting Plaintiff such further relief as the Court deems just and proper.

**JURY DEMAND**

Plaintiff hereby demands a trial by jury of all issues so triable pursuant to Fed. R. Civ. P. 38.

Dated: August 24, 2021

Respectfully Submitted,

By: /s/ Cabrach Connor  
Cabrach J. Connor  
State Bar No. 24036390  
Email: [cab@connorkudlaclee.com](mailto:cab@connorkudlaclee.com)  
Jennifer Tatum Lee  
State Bar No. 24046950  
Email: [jennifer@connorkudlaclee.com](mailto:jennifer@connorkudlaclee.com)  
John M. Shumaker  
State Bar No. 24033069  
Email: [john@connorkudlaclee.com](mailto:john@connorkudlaclee.com)  
**CONNOR KUDLAC LEE PLLC**  
609 Castle Ridge Road, Suite 450  
Austin, Texas 78746  
512.777.1254 Telephone  
888.387.1134 Facsimile  
**ATTORNEYS FOR PLAINTIFF**